

Attorney Docket No.: 12917 (PTQ-0027)
Inventors: Van Eyk et al.
Serial No.: 09/115,589
Filing Date: July 15, 1998
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troponin T; and d) myosin light chain 1, and is requiring Applicants to elect a single disclosed species.

Applicants respectfully traverse this species election requirement.

In accordance with MPEP § 808.01, an election of species should be made when a generic claim recites such a multiplicity of species that an unduly extensive and burdensome search is required. In the instant case, however, the generic claim is not drawn to such a large multiplicity that search of all species would be unduly extensive or burdensome. Only four different peptide fragments have been set forth by the Examiner as different species. Further, a proper search of the generic claim from which claim 54 depends, which is drawn to a method for assessing muscle damage by evaluating for the presence or absence of a myofilament protein modification product, should reveal any art relating to the different myofilament peptide fragments which the Examiner suggests to be distinct species. Accordingly, reconsideration of this species election requirement is respectfully requested.

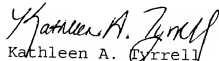
In an earnest effort to be completely responsive, however Applicants elect troponin I, with traverse.

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In accordance with MPEP § 809.01 and 37 C.F.R. § 1.146, it is respectfully pointed out that the claims should only be restricted to this species if no generic claim is held allowable.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Respectfully submitted,


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